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MORVILLO, ABRAMOWITZ, GRAND, IASON, ANELLO & BOHRER, P.C.

ELKAN ABRAMOWITZ
 RICHARD F. ALBERT
 ROBERT J. ANELLO
 LAWRENCE S. BADER
 BARRY A. BOHRER
 CATHERINE M. FOTI
 PAUL R. GRAND
 LAWRENCE IASON
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 EDWARD M. SPIRO
 JEREMY H. TENKIN
 JOHN J. TIGUE, JR.
 CYRUS R. VANCE, JR.
 RICHARD D. WEINBERG

COUNSEL
 CHRISTOPHER J. MORVILLO
 E. SCOTT MORVILLO
 GREGORY MORVILLO
 *ALSO ADMITTED IN CALIFORNIA AND N.C.
 *ALSO ADMITTED IN CONNECTICUT

MICHAEL C. SILBERBERG
 1840-EDGB

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565 FIFTH AVENUE
 NEW YORK, N.Y. 10017

TELEPHONE
 (212) 856-9600

www.maglaw.com

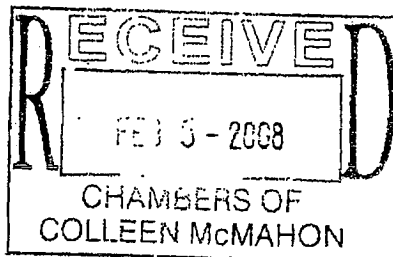
FACSIMILE
 (212) 856-9494

WEBSTER'S DIRECT DIAL
 (212) 880-9440

JENNIFER L. ACHILLES
 CANDICE ALOISI
 DAVID C. AUSTIN
 LAWRENCE M. BARNES
 JAMES GARRON
 BENJAMIN S. FISCHER
 ELIZABETH HAINES
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 OAVIO STANKIEWICZ
 JERROLD C. STEIGHAN
 JAMES R. STOVALL
 BARBARA L. TRENCHER
 AMY M. TULLY
 KEFIRA R. WILDERMAN

*ALSO ADMITTED IN N.J.
 *ADMISSION PENDING
 *ALSO ADMITTED IN VERMONT, N.C.
 *ALSO ADMITTED IN ALABAMA ONLY
 *ALSO ADMITTED IN FLORIDA, CONNECTICUT

February 5, 2008

**BY FACSIMILE**

Honorable Colleen McMahon
 United States District Judge
 Southern District of New York
 500 Pearl Street, Room 640
 New York, New York 10007

Re: United States v. Samuel Israel III, 05 Cr. 1039

Dear Judge McMahon:

I write on behalf of the defendant, Samuel Israel, regarding his sentencing date. AUSA Margery Feinzig has reviewed this letter and has authorized me to represent that she joins in our application.

Mr. Israel has been meeting with the U.S. Attorney's Office since August 2005. During that time, we orally informed the U.S. Attorney's Office that, prior to sentencing, Mr. Israel would require surgery.

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Honorable Colleen McMahon

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Over the past 2 ½ years, the Court has set many "control" dates for Mr. Israel's sentencing, understanding that his meetings with the government have been ongoing. On each occasion, the sentencing was adjourned to allow for Mr. Israel's continuing meetings. And on each occasion, we were informed of the new "control date" by AUSA Feinzig or AUSA Perry Carbone.

On January 7, 2008, my associate, Barbara Trencher, spoke with AUSA Feinzig about a state court civil matter involving Mr. Israel. During that conversation, Ms. Feinzig told Ms. Trencher that she (Ms. Feinzig) had spoken with Chambers on that day, and that a new "control date" of February 28, 2008 had been set for Mr. Israel's sentencing. Ms. Feinzig also gave Ms. Trencher the impression that the sentencing would not be soon.

As late as two weeks ago, Ms. Feinzig told me that she preferred that Mr. Israel not be interviewed by Probation until sometime after February. Assuming an early March interview date, the Pre-Sentence Report would have been issued, at the earliest, sometime in mid-March. Adding 35 days from the date of the Pre-Sentence Report under Rule 32(e)(2) of the Federal Rules of Criminal Procedure, Mr. Israel's sentencing would have taken place in late April, at the earliest.

On Wednesday, January 30, 2008, I learned from U.S. Probation Officer Diane Plummer that Your Honor viewed the February 28, 2008 date not as a "control date," but as the sentencing date. This was a surprise to us. Upon learning of this, I told Mr. Israel that he should find out how quickly he could have his surgeries, and how long the recuperation would take so that he would be sufficiently healed to attend his sentencing and report for incarceration. In the meantime, last Friday, I scheduled a conference with U.S. Probation Officer Diane Plummer for Mr. Israel's interview. It will take place tomorrow.

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February 5, 2008

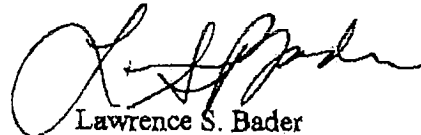
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In light of all of the above, we respectfully ask that Mr. Israel's sentencing be adjourned until April 15. I note that even if the Probation Department were to complete its PSR within 2 weeks from today (February 19), the sentencing would not take place until at least March 25 pursuant to Rule 32(e)(2). Therefore, at most, our request is for an additional three weeks past March 25.

As I hope you Honor will see from the above, as soon as we understood that the sentencing date might be as early as this spring, Mr. Israel promptly began the process of taking care of his medical needs. I regret that there was an apparent misunderstanding regarding whether the February 28 date was a "control date" or a sentencing date. It was not until last Wednesday that we learned of this misunderstanding, and since then, have done everything in our power to expedite Mr. Israel's surgeries.

If there is anything else that your Honor would like to know about any of the above, please let me know.

Respectfully,



Lawrence S. Bader

cc: AUSA Margery Feinzig (by e-mail)